

STATE OF NORTH CAROLINA
IREDELL COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12 CVS 508

LAVONNE R. EKREN,
Plaintiff,

v.

K&E REAL ESTATE INVESTMENTS,
LLC, and PAUL A. KONRADY,
Individually,
Defendants.

ORDER

1. **THIS MATTER** is before the Court on Plaintiff’s Motion to Appoint Receiver (“Motion”). For the following reasons, Plaintiff’s Motion is **GRANTED**.
2. The court, in a judicial proceeding brought to dissolve a limited liability company, may appoint one or more receivers to wind up or to manage the business and affairs of the limited liability company. N.C. GEN. STAT. 57C-6-02.2(a) (2012). Such a decision is subject to the court’s discretion and will not be upset on appeal unless such discretion is abused. *Barnes*, 178 N.C. App. at 496, 633 S.E.2d at 478-79.
3. When appointing a receiver, the court has authority to describe the powers and duties of the receiver in its appointing order. N.C. GEN. STAT. § 57C-6-02.2(c). These powers may include the right of the receiver to:
 - (1) [d]ispose of all or any part of the assets of the limited liability company wherever located, at a public or private sale, if authorized by the court; (2) [s]ue and defend in the receiver’s own name as receiver of the limited liability company in all courts of this State; and (3)[e]xercise all of the powers of the company, through or in place of its managers, to the extent necessary to manage the affairs of the company in the best interests of its members.*Id.*
4. Defendants’ Answer and Counterclaim prays that “the Court issue an Order appointing a receiver for K&E and directing a dissolution of the assets of K&E to Plaintiff and Defendant

Konrady.” (Defs.’ Answer 8.) In addition, the parties sent an e-mail to the Court on August 3, 2012, requesting that a receiver be appointed. E-mail from Susan Featherston, Paralegal to Lisa G. Godfrey, to Thomas Estes, Judicial Assistant to the Honorable Calvin E. Murphy (August 3, 2012, 1:26 P.M. EST) (on file with the Court). Accordingly, the Court concludes, in its discretion, that appointment of a receiver is appropriate.

5. **IT IS THEREFORE ORDERED** that:

- a. Plaintiff’s Motion for Appointment of Receiver is **GRANTED**;
- b. The Court appoints G. Martin Hunter to serve as the Receiver of K&E Real Estate Investments, LLC (“K&E”), and that the receiver shall be free to act for K&E in all respects allowed by law;
- c. The Receiver shall collect the assets of K&E; take charge of any litigation or claims; take charge of the day-to-day administration of the entity, including the payment of debts and making ordinary business decisions; and effectuate the orderly dissolution of K&E.
- d. Compensation and expenses for the receiver shall be paid pursuant to N.C. Gen. Stat. § 1-507.9, upon approval of the Court;
- e. The parties shall deliver to the receiver, upon appointment, all books, records, chattel paper, deeds, and any and all other documents relating to the status and operation of K&E.

SO ORDERED, this the 8th day of August, 2012.

/s/ Calvin E. Murphy
Calvin E. Murphy
Special Superior Court Judge